

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:18-cv-00213-MR-WCM**

ROBERT V. WILKIE,

Plaintiff,

vs.

HOMESITE INSURANCE COMPANY,

Defendant.

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ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Partial Summary Judgment [Doc. 10] and the Magistrate Judge's Memorandum and Recommendation [Doc. 16] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the Defendants' motion and to submit a recommendation for its disposition.

On November 19, 2018, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the Plaintiff's motion. [Doc. 16]. The parties were advised that any objections to the Magistrate Judge's Memorandum

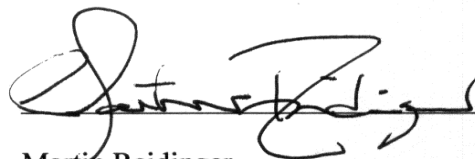
and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has now expired, and no written objections to the Memorandum and Recommendation have been filed.¹


After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Plaintiff's Motion for Partial Summary Judgment should be denied without prejudice.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 16] is **ACCEPTED**, and the Plaintiff's Motion for Partial Summary Judgment [Doc. 10] is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed: December 12, 2018


Martin Reidinger
United States District Judge



¹ On November 30, 2018, the Clerk's Office received an incomplete document from the Plaintiff, consisting of a signature page and a certificate of service for a "foregoing Motion[s] and all Motions attached or accompanied." [Doc. 17]. No motion, however, was attached. In any event, this filing does not appear to address any aspect of the Memorandum and Recommendation. Therefore, the Court will not address this filing any further.